

Exhibit A-5

In the Matter Of:

LAURIE ORTOLANO vs

CITY OF NASHUA

MICHAEL CARIGNAN

April 19, 2024

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

* * * * *
LAURIE ORTOLANO,
Plaintiff,
vs.
CITY OF NASHUA, et al.,
Defendants.
* * * * *

* No.
* 1:22-cv-00326-LM
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VIDEOCONFERENCE DEPOSITION OF MICHAEL CARIGNAN,
Deposition taken with all parties appearing remotely,
on Friday, April 19, 2024, commencing at 3:11 p.m.

Court Reporter:
Pamela J. Carle, LCR, RPR, CRR

MICHAEL CARIGNAN

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Page 2		Page 3	
1	APPEARANCES	1	I N D E X
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3		3	EXAMINATION: PAGE
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	Page 4		Page 5
1	MR. MALAGUTI: Shall we just say that	1	deposed before, sir?
2	we're using the same stipulations as last time,	2	A. I have, yes, sir.
3	Counsel, or do you want me to read them into the	3	Q. So you know pretty much the rules, you
4	record again?	4	keep your voice up, try to give affirmative
5	MR. CULLEN: Same is fine.	5	answers rather than nods and shakes and the like.
6	MR. MALAGUTI: Okay, sounds good.	6	We all have a tendency to do that. I
7	MICHAEL CARIGNAN,	7	sometimes ask inartful questions. If you don't
8	having been duly sworn,	8	understand my question, please say so and I will
9	was deposed and testified	9	try to reframe it.
10	as follows:	10	If you need a break, say so. We may
11	EXAMINATION	11	have a short one involving me trying to retrieve
12	BY MR. MALAGUTI:	12	documents at some point.
13	Q. Mr. Carignan, could you state your full	13	Generally try not to answer until I'm
14	name, please?	14	done with my question and I will try not to ask a
15	A. Yes, my name is Michael Carignan,	15	second question until you're done with your
16	spelled C-A-R-I-G-N-A-N.	16	answer.
17	Q. And former police chief of Nashua, I	17	And you're here represented with
18	now understand that you're in private practice.	18	counsel today, Mr. Carignan?
19	Should I address you as Mr. Carignan, or is it	19	A. Yes, I am.
20	Carignan, is that how you pronounced it?	20	Q. And that's Brian Cullen who is sitting
21	A. I do. I pronounce it Carignan, yes.	21	next to you?
22	Q. Should I call you Mr., or Chief, or	22	A. Yes, that's correct. And just make
23	what would you prefer?	23	sure, please, if you can't hear me, speak up. This
24	A. Mr. is fine, thank you.	24	is my first deposition on Zoom, so. If you can't
25	Q. Okay. I'll do that. Have you been	25	hear me, just let me know.

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<p style="text-align: right;">Page 6</p> <p>1 Q. Well, this will be my second, the first</p> <p>2 one being this morning at 10:00, so.</p> <p>3 A. Fair enough.</p> <p>4 Q. That'll make two of us.</p> <p>5 So where do you live, sir?</p> <p>6 A. I live in Litchfield, New Hampshire.</p> <p>7 19 Bristol Way.</p> <p>8 Q. And you're not taking any medications</p> <p>9 or have any impairments or medical issues that</p> <p>10 might hinder your ability to answer these</p> <p>11 questions and understand them?</p> <p>12 A. That's correct.</p> <p>13 Q. Who is your current employer?</p> <p>14 A. BAE Systems.</p> <p>15 Q. Is that in Nashua?</p> <p>16 A. Yes, sir. Multiple locations. I work</p> <p>17 primarily in Nashua, sometimes Manchester.</p> <p>18 Q. And what's your position, what's your</p> <p>19 title?</p> <p>20 A. My contract is program security</p> <p>21 officer.</p> <p>22 Q. And what do you do in that job?</p> <p>23 A. Basically a compliance officer between</p> <p>24 enforcing the rules and regulations for BAE policy</p> <p>25 as well as the federal government's guidelines for</p>	<p style="text-align: right;">Page 7</p> <p>1 how to operate in a classified environment.</p> <p>2 Q. And how long have you been there, sir?</p> <p>3 A. Just over two years.</p> <p>4 Q. Did you graduate from high school?</p> <p>5 A. Yes, sir. 1990.</p> <p>6 Q. Where did you graduate?</p> <p>7 A. Nashua High School.</p> <p>8 Q. Is there a Nashua north or south, or</p> <p>9 I'm not from here. Or is it just one big one?</p> <p>10 A. So there's currently two, but at the</p> <p>11 time I graduated there was only one.</p> <p>12 Q. There was one. And did you go on to</p> <p>13 higher education beyond high school?</p> <p>14 A. I did, I completed a bachelor's degree</p> <p>15 and went on later in life for a master's degree.</p> <p>16 Q. Where did you go for your bachelor's</p> <p>17 degree?</p> <p>18 A. I spent one year at the University of</p> <p>19 Southern Maine, then I moved to the University of</p> <p>20 Massachusetts, at the time it was ULowell, it is</p> <p>21 now UMass at Lowell, where I got my bachelor's</p> <p>22 degree in criminal justice around 1996 or '97. I</p> <p>23 took a year or two off to -- when I got hired by</p> <p>24 the police department in 1993. I went back and</p> <p>25 completed the bachelor's degree. And then I</p>
<p style="text-align: right;">Page 8</p> <p>1 believe in 2012 or '13 is when I went to Rivier</p> <p>2 University for an MBA.</p> <p>3 Q. And was the MBA in criminal justice?</p> <p>4 A. No, it was just a --</p> <p>5 Q. I'm sorry, my bad. I know what an MBA</p> <p>6 is. I'm sorry. I should listen better.</p> <p>7 Okay. Have you served in the military,</p> <p>8 sir?</p> <p>9 A. I have not.</p> <p>10 Q. Why don't you just run through very</p> <p>11 quickly with me your job history once you were</p> <p>12 done with school up until the Nashua Police</p> <p>13 Department?</p> <p>14 A. So my jobs prior to the police</p> <p>15 department, is that what you're asking?</p> <p>16 Q. Yeah, from college to police</p> <p>17 department.</p> <p>18 A. So I was hired by the police department</p> <p>19 while I was in college. Prior to that --</p> <p>20 Q. That was '93, you said?</p> <p>21 A. Yes, September 7, 1993.</p> <p>22 Q. Go ahead.</p> <p>23 A. So prior to that I had worked odd jobs,</p> <p>24 Sky Meadow Country Club.</p> <p>25 Q. I'm sorry. I don't need the odd jobs.</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Okay.</p> <p>2 Q. Just -- let's say from, you know,</p> <p>3 getting out of college forward to, you know,</p> <p>4 becoming a full-time police officer.</p> <p>5 A. Sure. I guess I can't answer that, I</p> <p>6 had odd jobs in college and I was hired while I was</p> <p>7 in college, so I started my police department</p> <p>8 career in the middle of my college career, so I</p> <p>9 never worked after that, if that's what you're</p> <p>10 asking.</p> <p>11 MR. CULLEN: There were none is the</p> <p>12 answer.</p> <p>13 BY MR. MALAGUTI:</p> <p>14 Q. That's fine. Good for you. Let's</p> <p>15 focus then on the Nashua Police Department. You</p> <p>16 started in 1993, was that full time or part time?</p> <p>17 A. That was full time.</p> <p>18 Q. And what was your position?</p> <p>19 A. I started as a first-year officer. The</p> <p>20 position is called the first-year special officer.</p> <p>21 Q. And then how long were you in that</p> <p>22 position?</p> <p>23 A. That would be for one year, and then I</p> <p>24 went to second-year special officer.</p> <p>25 Q. And another year or more?</p>

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<p style="text-align: right;">Page 10</p> <p>1 A. Yeah, so the third year is when you 2 become a patrolman. 3 Q. Okay. 4 A. It's all the same job, but it's a 5 different -- different rank based on knowledge. 6 Q. Okay. And then you became a patrolman, 7 and you were a patrolman for a number of years? 8 A. Correct. 9 Q. And then where did you go from being a 10 patrolman? 11 A. So around 2000 I was transferred to the 12 detective bureau, into the narcotics investigation 13 division. I spent four years in that position, two 14 at the Nashua Police Department, two assigned to a 15 DEA high-intensity drug trafficking area task 16 force. And upon completion of that I was 17 transferred to the criminal investigation division 18 for several months before I was promoted and that 19 was in 2004, 2005 to the rank of sergeant. 20 Q. And after you were a sergeant, where 21 did you go from there? 22 A. So I spent a couple of years, two to 23 three years as a patrol sergeant, and then I was 24 transferred back into the narcotics investigation 25 division as a sergeant in there.</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. And how long did you stay as a sergeant 2 in any capacity in the Nashua Police Department? 3 A. Roughly three years. 4 Q. So until about 2007 or so? 5 A. Yes. 6 Q. And then where did you go from there? 7 A. And then I was promoted to the rank of 8 lieutenant where I went back to patrol, spent 9 approximately a year in patrol, maybe a little 10 longer, and then I spent another year or two as a 11 narcotics investigation division lieutenant and a 12 criminal investigation bureau lieutenant. 13 Q. And the difference between the first 14 patrol job that you had and the patrol job as 15 lieutenant was that you were a supervisor, 16 correct? 17 A. Correct, yes. 18 Q. And does that cover the entire thing? 19 A. No, the sergeant is also a supervisor 20 position, but, no, after that I was promoted to the 21 rank of captain where I served in the patrol 22 division, and then I served as the captain of the 23 detective bureau. 24 After that I was promoted to the rank 25 of deputy chief where I spent time as a deputy</p>
<p style="text-align: right;">Page 12</p> <p>1 chief of operations, and then I was promoted to the 2 rank of chief. 3 Q. And what year were you -- did you 4 become deputy chief? 5 A. It was probably around 2017 or '18. 6 No, probably 2016. 7 Q. And I assume you went directly from 8 there to chief? 9 A. Yes, sir. 10 Q. And what year did you become chief? 11 A. It would have been 2019. I believe it 12 was in August. 13 Q. All right. And I'm going to jump to 14 2019 and I'm going to focus in on this 15 investigation of the assessing department. 16 MR. MALAGUTI: And the only document, 17 Brian, that I was going to introduce here was 18 Chief Lehto's (sic) very short, what we now 19 learned were called supplemental narratives of the 20 meeting over at the mayor's office. Do you happen 21 to have that? 22 MR. CULLEN: I do. So I'm going to 23 show it to the chief. It's NPD-LO-029, and my 24 version doesn't have any markings on it. 25 BY MR. MALAGUTI:</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. When you're ready, Mr. Carignan, do you 2 recognize that document? 3 A. Yes, sir, I do. 4 Q. You've seen it before? 5 A. Yes, I have. 6 Q. What is that, please? 7 A. It is a supplemental report completed 8 by, at the time, Captain John Lehto, date 9 indicating it was completed on June 26, 2019. 10 MR. MALAGUTI: Pam, can we mark that as 11 Carignan 1. 12 (Carignan Exhibit 1 was marked for identification.) 13 MR. MALAGUTI: Brian, just to look 14 ahead a little bit, the only other documents that 15 you would have that I'm going to be looking to, to 16 do later on when we get onto the trespass thing, 17 are just the police records. 18 The original police -- there are sort 19 of two sets, the original one done by I think 20 Earnshaw, and then I think the follow-up ones done 21 by Roach. So at some point we'll probably be 22 marking those. 23 I'm going to have to go from memory on 24 my end, but we'll be marking. Just to give you a 25 head start on where we're going to be headed later</p>

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<p style="text-align: right;">Page 14</p> <p>1 on, okay?</p> <p>2 MR. CULLEN: Sure. I believe I have</p> <p>3 those here.</p> <p>4 MR. MALAGUTI: I know you produced them</p> <p>5 because I had pulled them down, and I just can't</p> <p>6 get access to them, so. Thank you.</p> <p>7 BY MR. MALAGUTI:</p> <p>8 Q. Okay. So, Mr. Carignan, I can't see</p> <p>9 the document that you're looking at, but I believe</p> <p>10 it's from -- is it from June of 2019, somewhere in</p> <p>11 that area?</p> <p>12 A. Yes, June 26, 2019.</p> <p>13 Q. And could you describe that document to</p> <p>14 us, please.</p> <p>15 A. Sure. It's a -- as you stated, it's a</p> <p>16 supplemental document, meaning a supplemental</p> <p>17 report to a larger report that just indicates</p> <p>18 something that happened within that case. It was a</p> <p>19 report written by Captain John Lehto, based on a</p> <p>20 meeting that I had with him attending a meeting at</p> <p>21 City Hall.</p> <p>22 Q. Now, this is in regard to an</p> <p>23 investigation that would eventually be done by the</p> <p>24 Nashua Police Department regarding the Nashua</p> <p>25 Assessing Department, right?</p>	<p style="text-align: right;">Page 15</p> <p>1 A. Correct, yes, sir.</p> <p>2 Q. And it's fair to say if that was</p> <p>3 brought to your attention by a woman named Laurie</p> <p>4 Ortolano and perhaps another woman with her named</p> <p>5 Laura -- I believe it's pronounced Colquhoun?</p> <p>6 A. Correct.</p> <p>7 MR. MALAGUTI: And if someone knows</p> <p>8 better than me, I'm going to make an attempt at</p> <p>9 spelling Colquhoun for the stenographer. I</p> <p>10 believe it's C-O-L-Q-U-H-O-U-N. Does that sound</p> <p>11 right, if you can find it somewhere?</p> <p>12 MR. CULLEN: That appears to be</p> <p>13 correct.</p> <p>14 MS. ORTOLANO: It's C-A-L,</p> <p>15 C-A-L-Q-U-H-O-U-N (sic).</p> <p>16 MR. MALAGUTI: C-A-L. Okay. Thank</p> <p>17 you, Laurie.</p> <p>18 BY MR. MALAGUTI:</p> <p>19 Q. You just came into a different view, so</p> <p>20 you're still there. My apologies. You bounced</p> <p>21 down on the screen.</p> <p>22 Do you have a recollection,</p> <p>23 Mr. Carignan, about your meeting with what I'll</p> <p>24 call the two Laurie and Laura?</p> <p>25 A. The meeting with Laurie and Laura, I</p>
<p style="text-align: right;">Page 16</p> <p>1 didn't have any specific memory of that meeting. I</p> <p>2 know I've spoken to Laurie several times.</p> <p>3 Q. When is the first time you ever spoke</p> <p>4 with Laurie?</p> <p>5 A. I'll be honest, I'm not sure. We've</p> <p>6 had several conversations. So -- go ahead.</p> <p>7 Q. Let me put them chronologically. Did</p> <p>8 you have conversations with her prior to</p> <p>9 discussing the investigation into the Nashua</p> <p>10 Assessing Department?</p> <p>11 A. Yes.</p> <p>12 Q. In what forum would these conversations</p> <p>13 occur?</p> <p>14 A. Well, so, again, we had several</p> <p>15 conversations, some we had seen each other at City</p> <p>16 Hall a couple of times over some different issues,</p> <p>17 but she came to me to the police department to</p> <p>18 speak to me about her concerns with those</p> <p>19 allegations.</p> <p>20 Q. So the meeting about the Nashua</p> <p>21 Assessing Department was a face-to-face meeting at</p> <p>22 the police department?</p> <p>23 A. I believe so, yes.</p> <p>24 Q. Was it just a conversation or did it</p> <p>25 involve her showing you documents?</p>	<p style="text-align: right;">Page 17</p> <p>1 A. I believe she showed us some documents.</p> <p>2 Again, we had several meetings, I apologize if the</p> <p>3 chronology is not right, but Laurie had excellent</p> <p>4 documentation as to her allegations and her</p> <p>5 concerns.</p> <p>6 Q. At some point did she give police</p> <p>7 officers some documentation that they retained?</p> <p>8 A. Yes.</p> <p>9 Q. And how soon after you first met with</p> <p>10 Laurie at the police department to discuss these</p> <p>11 allegations did you end up going over to the</p> <p>12 mayor's office for the meeting that was documented</p> <p>13 in Exhibit 1?</p> <p>14 A. I don't exactly remember the day she</p> <p>15 came over, so I can't give you an exact time, but</p> <p>16 it would be within a couple of days. It was -- we</p> <p>17 took it seriously, and we would have gone over</p> <p>18 pretty quickly to start looking into it.</p> <p>19 Q. At that point when she contacted you,</p> <p>20 would you say that you were in charge of the</p> <p>21 matter?</p> <p>22 A. The allegations came to me and I</p> <p>23 directed it to go towards the detective bureau, so,</p> <p>24 yes. In charge of assigning it, yes. In charge of</p> <p>25 handling it, no.</p>

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<p style="text-align: right;">Page 18</p> <p>1 Q. Yeah, so, and in fact, you fairly 2 quickly assigned it to, I believe it was -- and 3 again, I don't have the docs, Captain Lehto and 4 Detective Mederos, is that right? 5 A. Yes, as the chief, Captain Lehto was 6 the captain for the detective bureau, so I told 7 him, he was my immediate subordinate. I told him I 8 wanted him and -- it was Lieutenant Mederos -- I 9 believe it was Lieutenant Mederos at the time, to 10 handle the investigation. 11 Q. And do you know that at some point they 12 took possession of the documents that Laurie 13 Ortolano had shown you? 14 A. Yes. 15 Q. They were somewhat voluminous, weren't 16 they? 17 A. Yes. 18 Q. There was a private investigator's 19 report included, for example? 20 A. I believe so. I'm not sure which 21 packet of information it was, but I'm certainly 22 aware that there was the private investigator's 23 reports. 24 Q. Now, do you know whether you appointed 25 Captain Lehto and Lieutenant Mederos before you</p>	<p style="text-align: right;">Page 19</p> <p>1 went over to the meeting at the mayor's office or 2 afterwards? 3 A. Well, so Captain Lehto went with me to 4 speak with the mayor about the allegations and the 5 fact that we would be conducting an investigation, 6 and the way the structure is at the police 7 department, I would assign John Lehto to handle it, 8 he would, through his lieutenant and sergeant, make 9 sure the detective -- the appropriate detective was 10 assigned to do the investigation. 11 So that's kind of how the flow -- 12 it's -- it's a command structure, the flow, you 13 know, kind of went down through him. 14 Q. So it sounds like you appointed Lehto, 15 Lehto appointed Mederos? 16 A. Correct. 17 Q. The chain of command, so to speak? 18 A. Yes, sir. Yup. 19 Q. Now, when you met with Laurie Ortolano 20 and Laura Colquhoun, did you talk about the fact 21 that the police department and the City were sort 22 of all under one tent, the City of Nashua, and 23 that there might be conflicts involved? 24 MR. CULLEN: Objection to form. You 25 can answer.</p>
<p style="text-align: right;">Page 20</p> <p>1 A. So I don't remember that ever having 2 come up. We're certainly a separate entity, we're 3 not -- we don't answer to the mayor, we answer to a 4 police commission, so we work for the City of 5 Nashua, but we're not under City Hall if that makes 6 sense. 7 BY MR. MALAGUTI: 8 Q. No, that makes -- that makes -- well, I 9 never understand municipal government, but I sort 10 of understand it. 11 Describe for me this police commission. 12 How was it comprised? For example, and I'm just 13 going to ask for a general narrative on this, is 14 it elected officials, is it appointed officials, 15 and what do they do is what I'm looking for. 16 A. So there are currently three police 17 commissioners, and there have been traditionally, 18 those police commissioners are appointed by the 19 governor of the State of New Hampshire and approved 20 by the Executive Council. 21 Their role is to oversee the budget of 22 the Nashua Police Department, to oversee the 23 department as a whole, if I can compare it to a 24 board of directors where they're informed of all 25 that's going on in the PD, but the chief executive</p>	<p style="text-align: right;">Page 21</p> <p>1 officer, which would be the chief of police, 2 manages the day-to-day and makes the strategic 3 decisions for the short and long-term for the 4 police department. 5 So the commission, is -- what we do, 6 they approve our budgets, they approve our 7 promotions, they approve our terminations, or deny 8 them, but they don't deal with the day-to-day 9 operations of the police department. They're not 10 sworn officers, they're not -- they have no legal 11 authority to enforce the laws. 12 Q. And does each commissioner have a 13 full-time job as commissioner? 14 A. Yes. Yes, they -- I believe one of the 15 commissioners now is retired -- I'm sorry, so, no, 16 the police commission part, I believe they get \$100 17 a year to serve in that role. But each of them 18 have outside jobs, outside careers, or they're 19 retired, so they don't -- their job is not a police 20 commissioner. 21 Q. And does every municipality in 22 New Hampshire have a police -- I'm an outsider, so 23 I apologize. Does every municipality have a 24 police commission or is that something that only, 25 for example, happens with cities?</p>

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<p style="text-align: right;">Page 22</p> <p>1 A. This is -- this is something that 2 happens more with cities. Nashua is a unique 3 environment, it is unique in that it's appointed. 4 Its members of the commission are appointed by the 5 governor, it was set up that way over a hundred 6 years ago to basically keep the corruption -- to 7 keep local politics out of a police department. 8 So the thought process was if the mayor 9 at City Hall doesn't like or wants somebody 10 particular promoted or hired, they can influence 11 the police commission by holding their position 12 over their head. So the governor now does it with 13 the Executive Council approval from the state level 14 with the intention of keeping the politics out of 15 that. 16 Q. Would it be an apt analogy to say that 17 the police commission is like the board of 18 directors and the police chief is like the chief 19 executive officer of the police department? 20 A. Yes. 21 Q. So in a way the police commission was 22 your boss when you were the chief of police? 23 A. Yeah, not in a way, they are definitely 24 my boss. That is 100 percent accurate. 25 Q. In terms of policies and goals and big</p>	<p style="text-align: right;">Page 23</p> <p>1 decisions, but not in terms of everyday policing? 2 A. Correct. 3 Q. Okay. 4 A. So, for example, the police commission 5 will not dictate who handles an investigation, they 6 would not dictate how an investigation is handled, 7 but they would dictate our annual budget, they 8 would dictate the raises, they'd dictate anything 9 like that. 10 Q. And back to -- did Laurie Ortolano or 11 Laura Colquhoun raise any concerns about the 12 independence of the investigation that was about 13 to occur with the Nashua Assessing Department? 14 A. I don't know if it was at that specific 15 meeting, but she certainly raised those concerns at 16 some point with me. And I don't remember 17 conversations with Laurie Colquhoun, I remember 18 more having engagements with Laurie Ortolano. 19 Q. Laurie Ortolano was the talker of the 20 two? 21 A. No, that's just the person I had the 22 communications with. 23 Q. Now, when you say you remember that 24 Laurie had expressed that concern, can you -- can 25 we at least guesstimate, was it early in the</p>
<p style="text-align: right;">Page 24</p> <p>1 process, was it later in the process? Do you have 2 a recollection in that regard? 3 A. Again, I can't be beholden to anything 4 specific, but it was multiple times throughout, so 5 it's fairly accurate to say right around that time 6 before we started and several times afterwards. 7 Q. And at any point did she outright tell 8 you that she thought that the police investigation 9 of the Nashua Assessing Department was not being 10 conducted independently? 11 A. No. I think her wording was 12 independently. I know she was not satisfied with 13 the investigation or the outcome, and she had some 14 issues with several points of some of the 15 detectives. I'm not sure exactly what those were, 16 but I don't know that it was necessarily -- I don't 17 remember it necessarily being a biased 18 investigation, more just an incomplete one. 19 Q. And how did she communicate those 20 concerns? Through which medium is what I'm 21 asking. 22 A. She would -- well, she would try to 23 contact me. She would contact I believe 24 Captain Lehto, she would contact pretty much the 25 detectives. She contacted many of us often to</p>	<p style="text-align: right;">Page 25</p> <p>1 express those. You know, I didn't -- I wasn't 2 involved with the case, so I didn't really have 3 involvement in the day-to-day communications with 4 her, or it really wasn't my place to have 5 conversations with her. If we saw each other, we 6 would talk about it, sometimes we would meet, but 7 it's pretty accurate to say she contacted many 8 people. And regarding the means of the 9 communication, she would use the telephone. 10 I don't believe she e-mailed me, but 11 it's possible, but I don't remember any e-mails, 12 because most -- mostly it was through face-to-face 13 or phone calls. She used social media a lot to 14 express her concerns on many different topics for 15 us, so those are the meetings I -- you know, 16 recollect. 17 Q. Now, while the investigation was going 18 on, did you keep yourself apprised of what was 19 going on in a general way? 20 A. In a general way, yes, sir. 21 Q. How so? 22 A. So every morning at the police 23 department we had -- I don't know the time now, at 24 the time it was 9:00, we would have a morning staff 25 meeting where each of the bureau's captains would</p>

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<p style="text-align: right;">Page 26</p> <p>1 report over the events of the last 24 hours, 2 anything significant happens or any long-term 3 projects they've been working, just an opportunity 4 for us all to touch base to kind of stay connected. 5 So most of the conversations and the 6 updates would occur at that morning meeting. If 7 something significant happens, it's quite common 8 for the deputy -- the captain to come in and say, 9 hey, I just need to run something by you or tell 10 you, something happened. 11 So it's an informal process, it wasn't 12 part of the decision-making for it, but that's how 13 it usually happens, so, yes, updated on a regular 14 basis would answer your question. 15 Q. And how long would those meetings 16 typically last? 17 A. They'd last anywhere from ten minutes 18 to a half an hour, depending on the topics you had 19 to talk about. 20 Q. And how broad were they, were they 21 entire -- entire police department or just the 22 command staff? 23 A. So the command staff each represents 24 their bureaus. So, for example, the detectives, 25 would inform about major cases that happened for</p>	<p style="text-align: right;">Page 27</p> <p>1 the night, patrol would do the same, services 2 bureau may talk about maintenance issues for the 3 building, legal may talk about upcoming cases or 4 anything significant. 5 So each of the six bureaus within the 6 police department report on major things so the 7 chief can be made aware and not -- and kept up to 8 speed. 9 Q. And I don't remember if I asked. How 10 long -- was there a set time for these meetings? 11 In other words, I know you said they began at 12 9:00, but were they for just a half an hour, or 13 was there an actual set time of how long they 14 lasted? 15 A. No, there was no set time. They would 16 just run until everybody reported what they need 17 to, and if we had other side discussions after, 18 some of those may happen. So there was no set 19 time. 20 Q. Now, you said they're informal. So am 21 I to understand that they were, for example, not 22 recorded? 23 A. That's correct. 24 Q. Did anyone take notes or minutes of the 25 meetings?</p>
<p style="text-align: right;">Page 28</p> <p>1 A. Our -- my administrative assistant at 2 the time, Kathy Breslin, was in the meetings, and I 3 believe she takes notes, but I don't believe she -- 4 she doesn't record them or enter them into 5 anything. It's just a reminder for me to address 6 certain issues that come up in the meeting. That's 7 how it was for me. 8 Q. Would she have given you those notes to 9 take possession of, or did she keep possession of 10 them herself? 11 A. No, she would have kept possession of 12 them if -- I don't even know that she maintained 13 it, she basically would walk into the office and 14 say, hey, chief, you have a meeting here, or don't 15 forget you have to address this issue or don't 16 forget this is coming up. 17 Q. Did she take notes on the computer or 18 did she write out the notes by hand? 19 A. No, she handwrote her notes. 20 Q. Did she ever transcribe those notes and 21 put them into electronic format, Word or whatever? 22 A. Not that I know of. Not for the 23 morning meetings. 24 Q. Let's talk about this meeting on -- 25 when did we say it was, June 26, 2019? Do I have</p>	<p style="text-align: right;">Page 29</p> <p>1 the date right? 2 A. Yes, sir. 3 Q. Who called that meeting? Was it the 4 police department or was it someone else? 5 A. No, that was me. That was the police 6 department. 7 Q. And who did you call to say that there 8 was going to be a meeting? 9 A. I don't remember exactly who I called, 10 but it would have either been Kim Kleiner to set 11 the meeting up or I would have called the mayor 12 directly. Most likely in this case it was the 13 mayor directly, yeah, at the time. 14 Q. And at the time what was Kim Kleiner's 15 position in the city government? 16 A. She was the -- at the time I thought 17 she was the chief of staff for the mayor, but this 18 has her as director of administrative services. 19 Q. And you understand that she was the 20 chief of staff at one point and then became the 21 director of administrative services. Somewhere -- 22 A. Correct. 23 Q. -- through all of this, right? 24 A. Correct. And throughout that portion, 25 our relationship did not change as far as the</p>

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<p style="text-align: right;">Page 30</p> <p>1 topics we would talk about.</p> <p>2 Q. And when you say the relationship,</p> <p>3 you're referring, of course, to your city business</p> <p>4 relationship?</p> <p>5 A. Correct.</p> <p>6 Q. Okay.</p> <p>7 A. Correct.</p> <p>8 Q. How long had you known Kim Kleiner</p> <p>9 before June 26, 2019?</p> <p>10 A. I can't remember if I met her as a</p> <p>11 captain or a deputy chief. I was pretty active in</p> <p>12 community activities, I felt that was important, so</p> <p>13 it was -- we did a lot of work with the Arlington</p> <p>14 Street Community Center, and that's when I really</p> <p>15 got to know her well, which would have been as a</p> <p>16 deputy chief, so 2016 to 2019, roughly.</p> <p>17 Q. And the Arlington Street Community</p> <p>18 Center is some type of charitable organization, I</p> <p>19 gather?</p> <p>20 A. Well, it's a city-owned property that</p> <p>21 we opened -- we opened a community center out of.</p> <p>22 Q. Okay. And how long have you known the</p> <p>23 mayor, James Donchess?</p> <p>24 A. I've known him since he was sworn in as</p> <p>25 mayor, so --</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. The first time or the second time?</p> <p>2 A. No. No, the second time. Well, the</p> <p>3 second set of times. I don't -- we may have had</p> <p>4 some interactions when he was a union</p> <p>5 representative, but I don't -- I don't remember</p> <p>6 having enough interaction to say I knew him,</p> <p>7 because I was never the union steward.</p> <p>8 Q. Now, Mayor Donchess was at one point a</p> <p>9 union representative?</p> <p>10 A. Yes, he was, he represented the</p> <p>11 Patrolmen's Union.</p> <p>12 Q. He represented the Patrolmen's Union as</p> <p>13 an attorney, am I --</p> <p>14 A. Correct. For the collective</p> <p>15 bargaining, yes.</p> <p>16 Q. So he was not a patrolman or an</p> <p>17 employee at any time of the Nashua --</p> <p>18 A. No, no, no.</p> <p>19 Q. Okay.</p> <p>20 A. He was not.</p> <p>21 Q. And when would this have been, the</p> <p>22 early aughts, the early 2000s, or before then?</p> <p>23 A. No, it might have been right around</p> <p>24 those times. I don't remember when he started as</p> <p>25 the union representative, as the attorney</p>
<p style="text-align: right;">Page 32</p> <p>1 representing the union. It was a good chunk of his</p> <p>2 non-political time, if that answers your question.</p> <p>3 So he's been consistently a part of</p> <p>4 collective bargaining for the police department for</p> <p>5 a majority of the time that I've been there, I was</p> <p>6 there.</p> <p>7 Q. And did you ever have a social</p> <p>8 relationship with the mayor, a non-business</p> <p>9 relationship?</p> <p>10 A. No, I did not.</p> <p>11 Q. Never went out to dinner with him and</p> <p>12 his wife or anything of the like?</p> <p>13 A. No.</p> <p>14 Q. And Ms. Kleiner, did you ever have a</p> <p>15 social relationship with Ms. Kleiner?</p> <p>16 A. No.</p> <p>17 Q. Okay. So what time was the meeting</p> <p>18 convened on June 26th, 2019?</p> <p>19 A. According to the report, it's 9:00 in</p> <p>20 the morning.</p> <p>21 Q. And who was present?</p> <p>22 A. Myself, Captain John Lehto, Mayor</p> <p>23 Donchess, and Kim Kleiner.</p> <p>24 Q. And did this take place in the mayor's</p> <p>25 conference room?</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Yes.</p> <p>2 Q. And I'm going to ask you to remember</p> <p>3 what was said during that meeting, and I'll</p> <p>4 probably just go person by person as to, you know,</p> <p>5 who said what. What did you say at the meeting?</p> <p>6 A. So the purpose of the meeting and what</p> <p>7 I said was informing the mayor that there was a</p> <p>8 criminal complaint alleged against employees at</p> <p>9 City Hall, and that we would be investigating the</p> <p>10 case, and we would be conducting an investigation,</p> <p>11 or detectives from the Nashua Police Department</p> <p>12 would be conducting an investigation into those</p> <p>13 allegations and we would be speaking with multiple</p> <p>14 employees at City Hall.</p> <p>15 Q. Did you say anything else that you</p> <p>16 remember?</p> <p>17 A. No.</p> <p>18 Q. And when you said -- when you described</p> <p>19 the criminal investigation, did you describe the</p> <p>20 types of allegations that had been made?</p> <p>21 A. No, we tried to keep all -- all those</p> <p>22 facts to really a minimum. It wasn't his business</p> <p>23 what we were investigating. Him and Kim were both</p> <p>24 well aware of what they were, they had been told of</p> <p>25 the allegations that were made or they had found</p>

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<p style="text-align: right;">Page 34</p> <p>1 out about it, and I'm not sure how.</p> <p>2 So they were aware of what we were</p> <p>3 looking into, but we didn't give them any</p> <p>4 information as to the nature of the complaints or</p> <p>5 how we were going to conduct our investigation.</p> <p>6 Q. Now, prior to going into this meeting,</p> <p>7 did you know the names of the people who were</p> <p>8 going to be -- let me strike that.</p> <p>9 Prior to going into this meeting, did</p> <p>10 you know the names of the subjects of the</p> <p>11 investigation?</p> <p>12 A. I believe so.</p> <p>13 Q. Does the name Greg Turgiss sound</p> <p>14 familiar to you?</p> <p>15 A. Yes.</p> <p>16 Q. Gary Turgiss?</p> <p>17 A. Yes.</p> <p>18 Q. And, obviously, Kim Kleiner?</p> <p>19 A. Correct.</p> <p>20 Q. And you knew prior to going into that</p> <p>21 meeting that all three of them were subjects of</p> <p>22 the investigation?</p> <p>23 A. Yes.</p> <p>24 Q. You knew that Kim Kleiner was a subject</p> <p>25 of the investigation?</p>	<p style="text-align: right;">Page 35</p> <p>1 A. Correct.</p> <p>2 Q. So you were meeting and discussing</p> <p>3 strategy with one of the subjects of the</p> <p>4 investigation?</p> <p>5 A. No, sir, as I just said, we were just</p> <p>6 there to tell them that there was an investigation,</p> <p>7 there was criminal complaints being alleged, and we</p> <p>8 were going to be conducting an investigation.</p> <p>9 Q. Okay. What did Captain Lehto say, if</p> <p>10 you recall?</p> <p>11 A. Based on -- based on the report, it</p> <p>12 doesn't really indicate that he said anything, nor</p> <p>13 would it be common for him to say much, other than</p> <p>14 pleasantries.</p> <p>15 Q. Okay. A man of few words, fair to say?</p> <p>16 A. Yes, he was.</p> <p>17 Q. And is that your recollection, that he</p> <p>18 didn't say anything?</p> <p>19 A. Yeah, I don't -- I don't remember</p> <p>20 him -- like I said, the purpose was pretty quick,</p> <p>21 it was to be there to let them know that there were</p> <p>22 going to be detectives walking around City Hall</p> <p>23 trying to talk to people. Basically we expected</p> <p>24 cooperation and just letting the mayor know that we</p> <p>25 were going to be at City Hall doing that.</p>
<p style="text-align: right;">Page 36</p> <p>1 So we didn't go off topic and we didn't</p> <p>2 discuss a bunch of other things, and we certainly</p> <p>3 didn't go into the nature of the allegations or the</p> <p>4 strategy behind the investigation.</p> <p>5 Q. And what did Kim Kleiner say at that</p> <p>6 meeting, if you recall?</p> <p>7 A. I'm not sure if it was her or the</p> <p>8 mayor, but through -- through that conversation the</p> <p>9 discussion was that they were aware of the</p> <p>10 allegations, and they had -- I believe they talked</p> <p>11 about already hiring an investigator to conduct it</p> <p>12 as an internal interview.</p> <p>13 Q. Why don't you tell me about that. Tell</p> <p>14 me everything you know about the hiring of the</p> <p>15 investigator.</p> <p>16 A. So they had just said they were aware</p> <p>17 of the complaints made and because it was an</p> <p>18 internal matter for them that they had decided to</p> <p>19 hire an investigator to look into the allegations.</p> <p>20 Q. Did they tell you --</p> <p>21 A. Those allegations -- I'm sorry, go</p> <p>22 ahead.</p> <p>23 Q. My apologies, I cut you off. Finish,</p> <p>24 please.</p> <p>25 A. No. No, you go ahead.</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Did they tell you who the investigator</p> <p>2 was?</p> <p>3 A. I'm sure they did, John noted it in the</p> <p>4 report, so.</p> <p>5 Q. Was his name Attorney Mark Broth?</p> <p>6 A. Yes.</p> <p>7 Q. Did you know Mark Broth from any</p> <p>8 encounters prior to this?</p> <p>9 A. No.</p> <p>10 Q. Did they say anything else about the</p> <p>11 investigation -- the external investigation that</p> <p>12 you just described?</p> <p>13 A. No.</p> <p>14 Q. Do you recall that anyone said that the</p> <p>15 human resources director, I believe his name was</p> <p>16 Mr. Budreau, am I correct, did they say anything</p> <p>17 about him having already done some work on it?</p> <p>18 A. According -- I don't recall that part</p> <p>19 of the conversation, but according to the report</p> <p>20 there's an indication that that was true.</p> <p>21 Q. Do you know Mr. Budreau?</p> <p>22 A. Yes.</p> <p>23 Q. I don't remember his first name, what's</p> <p>24 his first name?</p> <p>25 A. His first name is Larry.</p>

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<p style="text-align: right;">Page 38</p> <p>1 Q. Larry. Am I pronouncing his last name 2 correctly? 3 A. Yes. 4 Q. Did anyone tell you that Mr. Budreau 5 had already interviewed some of the assessors? 6 A. I don't remember that, but according to 7 the report, he had already interviewed several 8 employees. 9 Q. I don't have the report in front of me. 10 Does the report name the people who were 11 interviewed? 12 A. According to the report it said Greg 13 Turgiss had already been interviewed by director of 14 human resources, Larry Budreau. 15 Q. Did you know Greg Turgiss from before 16 this? 17 A. I did not. 18 Q. Did you know Gary Turgiss from before 19 this? 20 A. I did not. 21 Q. And we've already talked about Kim 22 Kleiner. Okay. Do you remember Ms. Kleiner 23 saying anything about the city providing full 24 support as needed, or anything to that effect? 25 A. No. I mean, my recollection is that</p>	<p style="text-align: right;">Page 39</p> <p>1 both she and the mayor said they understood. They 2 said they welcomed an investigation and we would 3 get cooperation. 4 Q. Okay. And do you remember anything 5 that the mayor said? I know you relayed a couple 6 of instances where you couldn't remember if it was 7 the mayor or Kleiner, so I'm asking for additional 8 statements that you can remember above and beyond 9 those. 10 A. No, that's it. 11 Q. And how did the meeting end? Did 12 someone give instructions, or did someone say 13 time's up? Or if you recall, how did it end? 14 A. No, it just -- it was pretty obvious 15 that the topic of discussion was over, so we just 16 said goodbyes. 17 Q. And do you remember how long the 18 meeting lasted for? I think you said it began at 19 9:00. Do you remember what time you got out? 20 A. I don't. It was a fairly short 21 meeting. Our purpose was not to talk about 22 anything other than this. 23 Q. Short as in less than a half an hour, 24 short as in less than 15 minutes, can you 25 estimate? If you have no memory, that's fine.</p>
<p style="text-align: right;">Page 40</p> <p>1 A. No, if I had to estimate, I'd say 2 between 15 minutes and a half an hour. 3 Q. And when you left the meeting, did you 4 and Captain Lehto continue to talk about what 5 transpired in the meeting? 6 A. No. If I remember the conversation was 7 more who it was going to be assigned to, and just 8 to make sure they did a thorough job. 9 Q. And when you talked about who it was 10 going to be assigned to, did you know at that 11 point that Lieutenant Mederos was going to be 12 assigned, or is that one of the people who -- that 13 Lehto mentioned to you? 14 A. So Lieutenant Mederos would be assigned 15 in the manner that it's an investigation being done 16 by the criminal investigation bureau. He was the 17 CID -- CIB lieutenant so it would flow to him to 18 pass down to the sergeant and the detectives. 19 Q. And at some point you came to 20 understand that Mederos and Lehto didn't do the 21 whole investigation themselves, they assigned it 22 downward? 23 A. Correct. 24 Q. Do you know who got the assignments? 25 A. Ultimately Frank Lombardi got it. I'm</p>	<p style="text-align: right;">Page 41</p> <p>1 sure he was assisted by other detectives, other -- 2 his supervisors, his sergeants would have been 3 involved as well, but he was the lead detective. 4 Q. And at the time his position was 5 detective? 6 A. Correct. 7 Q. And do you know how long after the 8 meeting the assignment to Detective Lombardi 9 occurred? 10 A. I don't. 11 Q. And you knew Detective Lombardi 12 previously of course from being in the same 13 department together? 14 A. Correct. 15 Q. And by the way, when the meeting 16 occurred, you were not yet chief, right? You were 17 deputy chief, is that right? 18 A. Correct. At the time the current 19 chief, Andrew Lavoie, was on what we call terminal 20 leave. He was on time off between the time of his 21 vacation time, unused vacation and sick time, and 22 the time of his retirement, so I was acting in the 23 role of -- still a deputy chief, but I was 24 acting -- I guess you call it acting chief. It 25 wasn't an official title.</p>

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<p>1 Q. Had you yet been appointed to become 2 the chief?</p> <p>3 A. Yes, in June I would have, because I 4 believe I was promoted August 1st, I believe. So, 5 yes.</p> <p>6 Q. And that appointment was by the police 7 commission, I believe; is that right?</p> <p>8 A. Correct.</p> <p>9 Q. Did the police commission also appoint 10 you as deputy chief or was that a role that the 11 chief had?</p> <p>12 A. That was a role that the chief had and 13 he would have informed the police commission, they 14 would have had to approve the promotion, but that 15 is based solely on the chief's recommendation.</p> <p>16 Q. Okay. How did you come to learn that 17 Detective Lombardi had been appointed to lead the 18 investigation?</p> <p>19 A. The process would have -- I'm assuming 20 the way the process would normally go is 21 Captain Lehto would have informed me, whether at 22 the morning meeting or at any other point.</p> <p>23 Q. Okay. And as the investigation went 24 on, whether it was through these meetings or 25 otherwise, you were generally kept apprised of</p>	<p>1 what was happening in the investigation, right?</p> <p>2 A. From an overall perspective, yes.</p> <p>3 Q. Now, did you have to approve any parts 4 of the investigation?</p> <p>5 A. No. So those approvals go through the 6 chain of command, and ultimately when the case is 7 done, the bureau captain would review it and sign 8 off on it. And the chief would be informed.</p> <p>9 Q. So what's the bureau captain? What's 10 that role?</p> <p>11 A. So at the time it was a he, John Lehto, 12 was -- he oversaw all felony investigations within 13 the city of Nashua.</p> <p>14 Q. And this was a -- it was identified 15 early on as a felony investigation?</p> <p>16 A. Based on the allegations -- based on 17 the allegations and the -- what we had initially 18 been told of the amount of fraud or loss, it was -- 19 appeared to fall under the felony category, yes.</p> <p>20 Q. When did -- you might have mentioned 21 it, but when exactly did you become the chief?</p> <p>22 A. It was August 1st of 2019.</p> <p>23 Q. That's the kind of date we all 24 remember, right?</p> <p>25 A. So you remember your initial hire date</p>
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<p>1 and you remember your retirement date. Those are 2 the two most significant dates in a police 3 officer's current history.</p> <p>4 Q. Do you happen to own a boat?</p> <p>5 A. I do. Do I own a boat? No, but I know 6 where you're going.</p> <p>7 Q. Yeah, what are the two happiest days of 8 a boat owner, the day you buy it and the day you 9 sell it. So.</p> <p>10 A. Yep. Very similar.</p> <p>11 Q. All right. I happen to have the 12 misfortune of owning a boat, so that's why I 13 raised that.</p> <p>14 So -- and you didn't stay as captain 15 for a decade. You were there for a couple of 16 years, is my understanding?</p> <p>17 A. Correct.</p> <p>18 Q. What was the date that you left, that 19 you retired or resigned?</p> <p>20 A. I retired officially March 1st, 2022.</p> <p>21 Q. And did you go straight into public 22 work -- I'm sorry, private work at that point?</p> <p>23 A. I did. I was on terminal leave for 24 approximately two months, and I started -- I'm 25 sorry, approximately three months I had terminal</p>	<p>1 leave time built up, so I started BAE Systems on 2 January 2nd of 2022.</p> <p>3 Q. Now, eventually the report -- I'm 4 sorry, eventually the investigation was completed. 5 Do you understand some of the events that happened 6 or the investigative -- let me rephrase that.</p> <p>7 Do you have any recollection of any of 8 the investigative steps that Detective Lombardi 9 and others took during the investigation?</p> <p>10 A. Not specifically. I know the 11 investigation was progressing along quite a bit. 12 It seemed to blossom out -- if I remember 13 correctly, it seemed to blossom into bigger things 14 at times. So nothing specifically other than it 15 was being done in a timely and a thorough manner.</p> <p>16 Q. Did you receive any reports of who was 17 interviewed at any point, that you can recall?</p> <p>18 A. I did not review any written reports, 19 but through the daily meetings and through 20 interactions with Captain Lehto I would have been 21 informed, hey, we're doing this this time or this 22 is roughly what we're doing.</p> <p>23 So, again, it was an informal process 24 to be kept up to speed on.</p> <p>25 Q. And did you -- in your position as</p>

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<p style="text-align: right;">Page 46</p> <p>1 chief, did you have occasion to work with the 2 legal department of the City of Nashua? 3 A. Yes. 4 Q. Did the legal department of the City of 5 Nashua represent the police department, or is that 6 something different under the way New Hampshire 7 law works, or Nashua law works? 8 A. So the legal department would advise me 9 on matters of negotiations with some of the 10 collective bargaining units that we had, they would 11 have one of their attorneys present with me to make 12 sure that I wasn't trying to promise anything or 13 negotiate down the road that the City wouldn't be 14 willing to approve. Because ultimately the budget 15 comes from the City. 16 So they would do that. If we had a 17 question on legislation, we would talk to them 18 about the impact to the City, but they did not 19 represent our criminal cases in any manner, we had 20 a separate bureau for that. 21 They did not represent us in civil 22 litigation, we had -- obviously we had -- 23 Q. Attorney Cullen? 24 A. Yes, yeah, no, risk department would 25 mitigate that, and I don't ever recall a time them</p>	<p style="text-align: right;">Page 47</p> <p>1 representing us. And the only other time I believe 2 they represented us was maybe in 94 -- some 94-A 3 requests. 4 So for the most part, no, but there was 5 occasions that they did in some instances, if that 6 makes sense. 7 Q. Pardon my ignorance, but what's a 94-A 8 request? 9 A. It's just a request for freedom of 10 information to get the reports and -- 11 MR. CULLEN: I think the chief means 12 91-A. 13 MR. MALAGUTI: Believe it or not, I 14 actually know what a 91-A is. 15 A. My apologies, I should remember. 16 BY MR. MALAGUTI: 17 Q. No, that's fine. Thank you. Was 18 Attorney Bolton the -- I forget his title, is he 19 city solicitor, the chief legal counsel during the 20 entire time that you were the chief of police? 21 A. Steve Bennett was there for a period of 22 time, but I don't remember when that transition 23 happened, so I don't believe Steve Bolton was in 24 there the entire time, I believe Bennett was for a 25 portion of my time.</p>
<p style="text-align: right;">Page 48</p> <p>1 Q. So let's just put it in reference to 2 June 26th of 2019, since that's the date we've 3 thrown out. Was Bolton already the city solicitor 4 at that point? 5 A. Yes. 6 Q. Did you speak with Bolton at all about 7 the meeting that you had at City Hall on 8 June 26th? 9 A. No. 10 Q. Did you speak with Celia Leonard or any 11 other attorney in the legal department about that 12 meeting? 13 A. No. 14 Q. Did you speak with anyone from the 15 Nashua legal department about the investigation at 16 any time during the investigation, from the time 17 it was open until the time it was closed? 18 A. Legal department would have been 19 represented in the morning meetings, so they were 20 present -- they were present, and they would have 21 been aware. 22 So, yes, they would have participated 23 in some general conversations, but I didn't seek 24 out the legal bureau for anything specifically. 25 MR. CULLEN: Can I just ask a</p>	<p style="text-align: right;">Page 49</p> <p>1 clarifying question here, Peter? 2 MR. MALAGUTI: Sure, go ahead. 3 MR. CULLEN: When you say legal bureau, 4 legal department, I think, Peter, plaintiff's 5 counsel is asking about the city legal department. 6 THE WITNESS: No, I'm sorry. 7 MR. MALAGUTI: Thank you. 8 A. Are you talking about the legal 9 department -- 10 MR. MALAGUTI: Thank you. I would have 11 gone down this rabbit hole. Thank you, Brian. 12 MR. CULLEN: That's what I was 13 afraid of. 14 A. So you're referring to the city legal 15 department? 16 BY MR. MALAGUTI: 17 Q. I'm referring to the department 18 currently headed by Steven Bolton. 19 A. My apologies, we have a legal 20 department at the police department, so it's one of 21 our several bureaus. 22 So, no, to answer your question, I did 23 not have any conversations with the City of 24 Nashua's legal department regarding this. 25 Q. And just to clarify, when you say that</p>

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<p style="text-align: right;">Page 50</p> <p>1 the legal department is present in the morning</p> <p>2 meetings, you're referring to the legal bureau</p> <p>3 within the police department, is that right?</p> <p>4 A. Yes, sir. That's correct.</p> <p>5 Q. Steve Bolton's city solicitor's office</p> <p>6 does not attend the morning briefings that you</p> <p>7 conduct?</p> <p>8 A. That is correct.</p> <p>9 Q. Okay. Good, thank you.</p> <p>10 Okay. As you sit here today, do you</p> <p>11 have a recollection of the way that the</p> <p>12 investigation went? Do you remember events from</p> <p>13 it, is what I'm asking, and if you could relate</p> <p>14 them, please.</p> <p>15 A. I remember the -- I remember the</p> <p>16 investigation was, in my opinion, very, very</p> <p>17 thorough. I remember it was pretty clear that they</p> <p>18 were trying to cover every base.</p> <p>19 Ms. Ortolano, as a victim, asked many</p> <p>20 questions, and we -- and I recall it being</p> <p>21 important to follow up with all of those, and I</p> <p>22 believe that was being done. Again, those would</p> <p>23 have been through the detective bureau,</p> <p>24 Captain Lehto down to Lieutenant Mederos. But,</p> <p>25 yes, those are my recollections of the case.</p>	<p style="text-align: right;">Page 51</p> <p>1 Q. Do you remember when the case</p> <p>2 concluded?</p> <p>3 A. I do.</p> <p>4 Q. Do you remember reading the report?</p> <p>5 A. I did not read the entire report.</p> <p>6 Q. Do you remember who authored the report</p> <p>7 closing the case?</p> <p>8 A. No. I don't know. No, I don't know</p> <p>9 who authored the last report.</p> <p>10 Q. Might it have been Lieutenant Mederos?</p> <p>11 A. It could have been.</p> <p>12 Q. But you don't recall?</p> <p>13 A. That's correct. I did not read the</p> <p>14 entire case.</p> <p>15 Q. Of course there's a document to jog</p> <p>16 both of our memories on this, and it's not</p> <p>17 important for us today, but -- so okay.</p> <p>18 Did you have any input into the final</p> <p>19 decision?</p> <p>20 A. No.</p> <p>21 Q. Did you make any recommendations</p> <p>22 leading up to the final decision?</p> <p>23 A. No.</p> <p>24 MR. CULLEN: If you're about to shift</p> <p>25 gears here, Peter, can we just take just about a</p>
<p style="text-align: right;">Page 52</p> <p>1 five-minute break?</p> <p>2 MR. MALAGUTI: I would love a</p> <p>3 five-minute break.</p> <p>4 MR. CULLEN: Okay. Thanks.</p> <p>5 MR. MALGUTI: It might give me a chance</p> <p>6 to look for documents to put up, too, but.</p> <p>7 MR. CULLEN: Oh, then I take it back,</p> <p>8 let's just keep going.</p> <p>9 MR. MALGUTI: Well you've already</p> <p>10 pulled those two police reports for me, right?</p> <p>11 MR. CULLEN: I haven't had time to pull</p> <p>12 them, but I think I know the ones you have. I</p> <p>13 don't have the entire file in front of me, but I</p> <p>14 have the documents that I would expect you to be</p> <p>15 looking at. So, yeah, I think I've got it here.</p> <p>16 MR. MALGUTI: Let's take five and I'll</p> <p>17 see if I have them, too. Thank you.</p> <p>18 (Recess taken.)</p> <p>19 BY MR. MALAGUTI:</p> <p>20 Q. Okay, Mr. Carignan, before I get</p> <p>21 into -- and I really only have one more incident</p> <p>22 to talk about, we'll talk about for a little</p> <p>23 while, but before I get into that, just a couple</p> <p>24 of general questions.</p> <p>25 Have you ever had occasion to call over</p>	<p style="text-align: right;">Page 53</p> <p>1 to various departments in City Hall by telephone</p> <p>2 over the years you were chief?</p> <p>3 A. Sure.</p> <p>4 Q. Have you called the mayor's office</p> <p>5 directly at any point?</p> <p>6 A. I don't remember a specific time</p> <p>7 calling his direct number or if he had one, but,</p> <p>8 sure, I would have certainly called over to the</p> <p>9 mayor's office many times.</p> <p>10 Q. Did you ever talk to the mayor about</p> <p>11 cases you were working on or was it policy</p> <p>12 matters, or what kind of things did you discuss</p> <p>13 with him?</p> <p>14 A. For the most part my contact with the</p> <p>15 mayor was over two major issues, if there was a</p> <p>16 significant incident in the city, a homicide, a</p> <p>17 bomb threat at the school, something that rose to</p> <p>18 that level, I would call him out of courtesy, or</p> <p>19 there was a lot of community work being done with</p> <p>20 the police department in the city of Nashua, so</p> <p>21 certainly phone calls could have been done over</p> <p>22 that.</p> <p>23 Q. In terms of the major issues, the</p> <p>24 homicides and the bomb threats and the like, did</p> <p>25 the mayor have any input at all into the police</p>

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<p style="text-align: right;">Page 54</p> <p>1 procedures that were followed?</p> <p>2 A. Absolutely none.</p> <p>3 Q. Did the mayor ever try to give advice</p> <p>4 on any of those matters?</p> <p>5 A. No.</p> <p>6 Q. Major issues, homicide, murder, bomb</p> <p>7 threats. Laurie Ortolano was not a major issue,</p> <p>8 was she?</p> <p>9 A. No. Not something that I would call</p> <p>10 him about.</p> <p>11 Q. Do you ever recall discussing Laurie</p> <p>12 Ortolano with the mayor's office? When I say the</p> <p>13 mayor's office, I'm talking about the mayor, the</p> <p>14 chief of staff or any of the staff who you would</p> <p>15 deal with directly in the mayor's office?</p> <p>16 A. There were -- there were times that I</p> <p>17 remember -- again, the time span between deputy</p> <p>18 chief and chief is where I would have occasions to</p> <p>19 have those conversations.</p> <p>20 We dealt with Laurie Ortolano a lot</p> <p>21 over a lot of issues, and my recollection is that</p> <p>22 the relationship between Laurie and the City of</p> <p>23 Nashua was much more involved, so there were</p> <p>24 probably conversations, and I don't recall anything</p> <p>25 specific, but there were probably conversations</p>	<p style="text-align: right;">Page 55</p> <p>1 about, you know, do you guys have these reports or</p> <p>2 this is coming up, so I don't recall anything</p> <p>3 specific, but conversations, I'm sure, would have</p> <p>4 happened about Laurie, about different items.</p> <p>5 Q. And specifically, if you recall, who</p> <p>6 would those conversations have been with? The</p> <p>7 name of the person they would have been with.</p> <p>8 A. It could have been with Mayor Donchess,</p> <p>9 it could have been with Kim Kleiner. Those are the</p> <p>10 two I would have had occasion to have conversations</p> <p>11 about.</p> <p>12 Q. And you don't recall whether it was</p> <p>13 when you were the deputy mayor or the -- I'm</p> <p>14 sorry -- the deputy mayor -- the deputy chief or</p> <p>15 the chief?</p> <p>16 A. I'm sure those conversations happened</p> <p>17 during both periods of my career.</p> <p>18 Q. Any other offices in City Hall that you</p> <p>19 would have called over to?</p> <p>20 A. No. The only other people I had</p> <p>21 occasion to speak to was really the risk</p> <p>22 department, but that wasn't about Laurie Ortolano.</p> <p>23 Q. And is the risk department, do they</p> <p>24 maintain an office in the City Hall?</p> <p>25 A. They do.</p>
<p style="text-align: right;">Page 56</p> <p>1 Q. City Hall an easy place to hail by</p> <p>2 telephone, or do they answer their phones over</p> <p>3 there?</p> <p>4 A. I never recall having a problem getting</p> <p>5 in touch with whomever.</p> <p>6 Q. Do you ever recall speaking with anyone</p> <p>7 over at City Hall in regard to Laurie Ortolano's</p> <p>8 Right-to-Know request specifically?</p> <p>9 A. So I remember having a conversation</p> <p>10 with a new attorney that was hired. I was told</p> <p>11 that the -- and when I say I was told, I believe it</p> <p>12 was Steve Bolton, but she was hired -- I'm sorry,</p> <p>13 the new attorney was hired specifically to deal</p> <p>14 with cases of 91-A requests.</p> <p>15 Q. Would that be Attorney Neumann,</p> <p>16 N-E-U-M-A-N, or something like that?</p> <p>17 A. If that's the attorney that was a</p> <p>18 veteran from the military, then that's correct. I</p> <p>19 don't remember, it was a gentleman and I don't</p> <p>20 remember his name, but I remember he was a military</p> <p>21 veteran.</p> <p>22 Q. And did you talk with Steve Bolton</p> <p>23 regarding RTK requests?</p> <p>24 A. Yeah, I'm sure we had conversations</p> <p>25 about it, you know, we -- I was responsible for the</p>	<p style="text-align: right;">Page 57</p> <p>1 Nashua Police Department's and I think we had asked</p> <p>2 his advice or legal department's advice on certain</p> <p>3 matters. There was one point that he sent a</p> <p>4 directive out that all 91-A requests had to go</p> <p>5 through the City of Nashua's legal department, not</p> <p>6 the Nashua Police Department, but legal department,</p> <p>7 but that's all I remember about it.</p> <p>8 We were pretty responsive to the 91-A</p> <p>9 requests for our own reasons, so I don't think</p> <p>10 that, you know, anything more than informing us of</p> <p>11 what they were doing in that directive.</p> <p>12 I don't remember when that directive</p> <p>13 was, but I remember he was telling us for legal</p> <p>14 purposes any 91-A requests had to go through them.</p> <p>15 Q. Isn't it the case that the police</p> <p>16 department deals with their own 91-A requests</p> <p>17 rather than going through City Hall?</p> <p>18 A. We do.</p> <p>19 Q. I think you have a department, or at</p> <p>20 least a person who deals with that, is that right?</p> <p>21 A. Yeah, I'm assuming it's still the same</p> <p>22 person. David Lavoie was the records manager, and</p> <p>23 he dealt with all the 91-A requests.</p> <p>24 Q. And was it your understanding that at</p> <p>25 some point the Nashua city legal department headed</p>

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<p style="text-align: right;">Page 58</p> <p>1 by Steve Bolton handled the rest of the 91-A 2 requests for the city?</p> <p>3 A. I don't -- I can't answer that because 4 I don't know if he did the school department. I 5 don't know, the health department. I'm not sure 6 what level he went out to, so. I know we handled 7 ours.</p> <p>8 Q. Reframe the question. Is it fair to 9 say that at some point the legal department -- let 10 me start again.</p> <p>11 At some point did you become aware that 12 the legal department was handling the bulk of 91-A 13 requests for the city?</p> <p>14 A. Yes.</p> <p>15 Q. So when you talked to Steve Bolton 16 about 91-A requests, were you talking to him about 17 police department 91-A requests or other 91-A 18 requests?</p> <p>19 A. I don't remember specifically. There 20 were probably some that were both -- that involved 21 both. So I don't remember any specific 22 conversations about it, because David Lavoie had a 23 handle on it, the services bureau captain would 24 have informed me of anything that needed to be -- 25 to be dealt with or what they were handling.</p>	<p style="text-align: right;">Page 59</p> <p>1 Q. Do you feel generally you were kept in 2 the loop pretty well over all matters?</p> <p>3 A. Yeah --</p> <p>4 Q. Let me narrow the question. That was 5 too broad a question. While you were chief, do 6 you feel that you were generally kept in the loop 7 regarding, you know, most of the cases that were 8 being handled in the police department?</p> <p>9 A. Regarding most of the cases, no. There 10 are a lot of cases, roughly a hundred thousand a 11 year, so certainly not at that level.</p> <p>12 Q. How many patrolmen and officers and 13 police staff do you have? That's a big 14 department.</p> <p>15 A. There were -- at the time I left we 16 were authorized for 179 sworn police officers and 17 an additional 60-something civilian staff.</p> <p>18 Q. Do you recall speaking with 19 Steve Bolton about Laurie Ortolano's RTK requests?</p> <p>20 A. Not specifically about hers, other than 21 what I stated earlier.</p> <p>22 Q. It sounds like Laurie Ortolano was 23 obviously at front of mind for a lot of people. 24 Were you generally aware of her situation with the 25 Right-to-Know requests that she made?</p>
<p style="text-align: right;">Page 60</p> <p>1 A. Yes.</p> <p>2 Q. How so? How did you keep aware of 3 those?</p> <p>4 A. Well, just there was a large number, 5 and what would cause it to come to my attention is 6 if they involved a lengthy amount of time to 7 respond to, if it would go over a certain time and 8 it was going to cost a lot of money through hours 9 worked to get the information needed, that's 10 generally when I would be given a heads-up. And 11 I'm speaking only to the police department 12 Right-to-Know requests.</p> <p>13 Q. Did you feel that Ms. Ortolano made a 14 larger number of police department requests than 15 other citizens?</p> <p>16 A. I do.</p> <p>17 Q. Okay. Let's talk January 22nd, 2021. 18 And I would be putting documents in front of you 19 if I could.</p> <p>20 Do you -- at that time I believe you 21 were the full chief. You were appointed in 2020, 22 if I remember correctly, right?</p> <p>23 A. Yes, that's correct.</p> <p>24 Q. So on January 22nd, 2021 you would have 25 been the police chief at that time. Did you</p>	<p style="text-align: right;">Page 61</p> <p>1 become aware around that time that there was an 2 incident at City Hall involving Ms. Ortolano?</p> <p>3 A. Yes.</p> <p>4 Q. How did you come to hear of that for 5 the first time?</p> <p>6 A. I was informed, and I don't recall 7 which, again, we had meetings that had multiple 8 captains and staff in it, so I was apprised by 9 either the patrol captain or the patrol deputy 10 chief that there was an incident at City Hall 11 involving Ms. Ortolano.</p> <p>12 Q. And who would have been the patrol -- 13 what did you say, patrol captain or patrol chief?</p> <p>14 A. Patrol deputy chief.</p> <p>15 Q. Who would have been those two people, 16 if you remember?</p> <p>17 A. So Deputy Chief Kevin Rourke at the 18 time, who is now Chief Rourke, and I believe it was 19 Captain Bolton, but it could have been a second 20 shift captain, may have been Faye. I'm not sure 21 which captain.</p> <p>22 Q. Are you familiar with -- and, again, 23 I'm going off of memory here, a Patrolman 24 Earnshaw?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 62</p> <p>1 Q. Would he have been -- I think it was a 2 he. Would he have been a patrolman in January of 3 2021? 4 A. Yes. 5 Q. And are you familiar with, I believe, a 6 Sergeant Gilbert, if I remember correctly, is it 7 Caleb Gilbert? 8 A. Yes, I'm familiar with him. 9 Q. Do you have knowledge that they were -- 10 and there's a third person who I can't remember, 11 but do you have knowledge that they were present 12 to handle the incident with Laurie Ortolano in 13 January of 20 -- I've lost the date, too -- 2021. 14 A. I'm not sure which -- I don't remember 15 which officers responded. I know I would have been 16 told, but I don't remember who they were. 17 Q. And you wouldn't have heard from them 18 directly anyways, right? 19 A. That's correct. 20 Q. You would have heard through Rourke or 21 Bolton, or would that have even gone to another 22 step before it came to you? 23 MR. CULLEN: Just to be clear, you mean 24 Captain Bolton, right? 25 MR. MALAGUTI: Yeah, not -- thank you.</p>	<p style="text-align: right;">Page 63</p> <p>1 BY MR. MALAGUTI: 2 Q. Any relation, to your knowledge, 3 between Captain Bolton and Steve Bolton of the 4 legal department? 5 A. They are not -- they are of no 6 relations. 7 Q. I assumed so. Bolton is not a name 8 like Malaguti, it's somewhat common. 9 Okay. So do you remember what you 10 heard about the incident the first time you heard? 11 A. Sure. I remember that officers were 12 called to City Hall for a criminal trespass 13 situation. They got there, Laurie Ortolano was -- 14 up until our arrival had refused to leave an area 15 around the legal department of City Hall, and when 16 officers -- when our officers arrived and asked her 17 to leave, she left. 18 Q. Do you recall whether she was detained 19 or arrested before she left? 20 A. She was not. She complied with the 21 officers' commands. 22 Q. Now, in general, when there is a 23 trespass situation, a potential trespass 24 situation -- let's back up. I'm going to move 25 away from Laurie Ortolano for a quick minute and</p>
<p style="text-align: right;">Page 64</p> <p>1 talk generally if that's okay. And I'm going to 2 ask you questions about your philosophy as to how 3 trespass situations should be handled. 4 Do you have a general philosophy about 5 how criminal trespass situations should be handled 6 by Nashua's police officers? 7 A. Sure. 8 Q. Could you say it for us? 9 A. Yeah, if we're -- you know, if we're 10 called to a location where somebody's there, and a 11 person who has control over that space doesn't want 12 them there for a specific reason and asks them to 13 leave, the expectation is that they leave. 14 If they don't leave, we get called, and 15 we go, and we will tell them to leave. We'll talk 16 to the victim, we'll find out what the victim says 17 happened, or the controller of the property. And 18 then if the person still refused to leave, we'll 19 arrest them. If they leave, we will generally give 20 them the warning to go, because they -- they're not 21 refusing in our presence. 22 And if you're asking for the 23 philosophy, it's people -- it's very difficult in 24 the courts, particularly in Nashua, to get a 25 conviction because the victim or the controller of</p>	<p style="text-align: right;">Page 65</p> <p>1 the properties generally won't show up to testify 2 for a number of reasons. So that's generally how 3 they go. 4 Q. And when you say that typically the 5 victim will not show up to testify, are you 6 primarily referring to incidents on private 7 property, or is it both private and public 8 property? 9 A. Both public and private property. It's 10 a fairly common call for service at the Nashua 11 Police Department. 12 Q. And so sometimes when there's someone 13 who's asked to leave public property and doesn't 14 leave, you find it difficult to get cooperation 15 from the city employees who control that property? 16 A. No, our general philosophy is that's 17 not specifically toward City Hall, because city 18 property doesn't really happen as much, unless, you 19 know, say it's city parks or anything like that, 20 they generally won't show up to testify. 21 Q. Okay. Now, when it comes to -- so 22 would I be correct then in sort of encapsulating 23 what you said, which is that as a general rule -- 24 I understand there are exceptions -- as a general 25 rule, when the police show up, order the</p>

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<p style="text-align: right;">Page 66</p> <p>1 perpetrator to leave, and the perpetrator 2 cooperates and leaves, the perpetrator will not be 3 arrested?</p> <p>4 A. That's correct.</p> <p>5 Q. Now, you mentioned that City Hall is a 6 little bit different. Are there trespass -- 7 obviously we're going to talk about Ms. Ortolano 8 in a minute.</p> <p>9 Do you know of trespass incidents at 10 City Hall in the past?</p> <p>11 A. I don't have a specific case. I 12 believe with dealing with the homeless population 13 there were criminal trespass arrests at City Hall, 14 but those are really the two that would stand out 15 in my head.</p> <p>16 Q. Could you describe what typically 17 happens with a homeless situation?</p> <p>18 A. Sure. I mean, every situation is 19 different, but typically you'd show up, there'd be 20 a homeless person either sleeping in a bathroom, 21 or -- not just say a homeless person, a particular 22 person in the bathroom, in the stairwell, and they 23 will ask them to move along, and if they don't, 24 they'll get arrested for criminal trespass.</p> <p>25 Q. But even homeless people, if they do</p>	<p style="text-align: right;">Page 67</p> <p>1 move along, they will not get arrested for 2 criminal trespass?</p> <p>3 A. Well, not necessarily. Again, the 4 philosophy and the decision is people from City 5 Hall are not going to go to the district court 6 every day to testify about this person or that 7 person in City Hall, so the desire is just to get 8 them to move along, to comply with the commands to 9 move along.</p> <p>10 Q. And you would agree that the philosophy 11 we're talking about is also a practice that while 12 you were deputy chief and chief, and patrolman, 13 for that matter, was practiced in Nashua as well?</p> <p>14 A. Yes. Most of the time, yes.</p> <p>15 Q. The homeless people who typically are 16 asked to leave, do they force their way into the 17 building at night, or do they come in while the 18 building is open, generally?</p> <p>19 A. No, for the criminal trespass it would 20 generally be that the building is open.</p> <p>21 Q. And when police admonish someone to 22 leave, do they sometimes issue a trespass warning? 23 I think you folks call it, you trespass them, is 24 that right? Is that something that the police do?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 68</p> <p>1 Q. Could you describe what that is and how 2 that works?</p> <p>3 A. Well, it depends on the situation. 4 I'll give you an example of the Pheasant Lane Mall. 5 If somebody is doing something that is not welcomed 6 by the mall or the particular store, maybe 7 threatening to shoplift or possibly shoplifting or 8 doing returns, they may say we don't want this 9 person in our store, he's not welcome, we would 10 like them trespassed for a year.</p> <p>11 It's changed a lot since I was working 12 the street, but I believe that they would document 13 on our calls for service that this trespass was 14 requested by a particular employee, and we would 15 get that person's information, and that they would 16 prosecute, and then it would be kept on record for 17 a year, or the date stamp that would happen would 18 happen for however long it did. I don't remember 19 if it was a year, six months, whatever.</p> <p>20 Q. So would I be correct in saying that 21 when you trespass someone, it's essentially a 22 warning, but it has teeth?</p> <p>23 A. Right.</p> <p>24 Q. That if it's violated within a year, 25 they'll automatically be arrested?</p>	<p style="text-align: right;">Page 69</p> <p>1 A. Correct.</p> <p>2 Q. Do you think that's a good solution? 3 Is that part of the philosophy of trespass that 4 you've formed?</p> <p>5 MR. CULLEN: Objection to form. You 6 can answer.</p> <p>7 A. Yeah, I think it's --</p> <p>8 BY MR. MALAGUTI:</p> <p>9 Q. It's a compound question. So let me 10 just ask. Is trespass a tool in the belt that 11 works its way into the philosophy that you hold?</p> <p>12 A. It is a tool, yes.</p> <p>13 Q. And do you think it's a successful 14 tool?</p> <p>15 A. Sure.</p> <p>16 Q. And to your knowledge -- well, let me 17 ask you this. When you were a patrolman, did you 18 use that as a tool?</p> <p>19 A. When I was -- I'll be honest, I was a 20 police officer for 28 years and policing changed 21 significantly, to the point of our -- how we 22 recorded calls, right, we didn't have computers 23 back when I started, believe it or not, so when 24 I -- through my patrol career that was not an 25 option to us.</p>

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<p style="text-align: right;">Page 70</p> <p>1 Q. Now, am I correct that the property 2 owner or the person who controls the property 3 requests the no trespass order, but the decision 4 is up to the police officer on the scene? 5 A. Correct. 6 Q. And it's also fair to say that police 7 officers who are responding to trespass incidents 8 are given a great amount of discretion to deal 9 with how they'll handle them? 10 A. Correct. 11 Q. And we're talking not 28 years ago when 12 you were a patrolman, or more than that probably 13 now, because you've been up in the higher ranks, 14 we're talking currently since, say, 2015 forward, 15 that's the way that it's generally done? 16 A. Yes. That's accurate. 17 Q. And when a no trespass is given, 18 something is written by the police department and 19 a record is kept of that, right? 20 A. Yes, it's part of the call notes for a 21 call for service. 22 Q. And that would probably be reflected in 23 a supplemental narrative, do I have that phrase 24 right? 25 A. I don't believe it would be a</p>	<p style="text-align: right;">Page 71</p> <p>1 supplemental narrative any longer. I think for the 2 last several years officers were entering it in as 3 call notes as a call for service, and that served 4 as the report. 5 Q. Okay. And those determinations are 6 generally made on the spot, the no trespass; is 7 that fair to say? 8 A. Correct. 9 Q. Do you know of any times they're ever 10 made later on, upon reflection? 11 A. Sure. Well, I know one in particular. 12 We'll talk about it shortly, I would imagine. 13 Q. Well, I'm talking about a no trespass 14 order, I'm not talking about an actual arrest. 15 A. I'm sorry, I thought you were still 16 talking about the arrest. You know, unfortunately, 17 my career wasn't in patrol for the most part, so, 18 no, I don't -- I don't really have any recollection 19 of that. 20 Q. Okay. All right. Let's talk about 21 January 22nd, 2021. Do you feel like you have a 22 pretty good recollection of the details of what 23 happened with Laurie Ortolano in January of 2021? 24 A. Regarding what, I'm sorry. Are you 25 talking about her arrest or her --</p>
<p style="text-align: right;">Page 72</p> <p>1 Q. Well, first we'll call it the incident 2 at the legal department in City Hall. 3 A. Okay. Yes, I was aware that it 4 happened. I definitely don't have details about it 5 other than I know that the officers responded and 6 handled it, and it was -- and it was cleared. 7 Q. What does that mean, it was cleared? 8 A. Cleared without arrest, meaning they 9 left the property and they did not arrest her. She 10 left when they told her to. 11 Q. Okay. Do you know whether there was an 12 initial conversation with Attorney Celia Leonard, 13 and that she told the officers on the scene that 14 she wanted Ms. Ortolano to be no trespassed for a 15 year? 16 A. I'm not sure. I was not made aware of 17 that. 18 Q. Do you remember ever reading the 19 supplemental narrative or incident reports or 20 anything regarding that day? 21 A. I'm sorry, I don't. 22 Q. Do you know whether you did or not, or 23 you just don't remember whether you did or not? 24 A. I don't remember if I did or not. It's 25 generally not something I would do.</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. Okay. And you get information by 2 reading the newspapers and watching the news as 3 well? 4 A. Yes. 5 Q. Are you a voracious newspaper reader? 6 A. No. 7 Q. Do you keep up with the Nashua news in 8 the newspaper? 9 A. Any longer? No. 10 Q. When you were chief? 11 A. Yes. 12 Q. It's funny, I teach, and one of the 13 things I always ask my students is whether they 14 know what it's like to get newsprint on their 15 fingers. They don't read newspapers on hard copy 16 anymore. 17 All right. And so you wouldn't be 18 aware that Patrolman Earnshaw, in either an 19 incident report, and I must apologize because I've 20 had that snafu with the documents, I don't have it 21 before me, but Patrolman Earnshaw concluded his 22 report saying no offenses alleged or apparent. 23 Did you know that until I just told you 24 that? 25 A. No, I did not.</p>

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<p style="text-align: right;">Page 74</p> <p>1 Q. But in your words, you know that 2 Ms. Ortolano was cleared? 3 A. Correct. 4 Q. Meaning she was not arrested at that 5 time? 6 A. That's correct. 7 Q. And I'm sorry if I'm repeating. Did 8 you know whether the officers no trespassed her at 9 the time? 10 A. I don't. I don't remember them -- I 11 don't remember knowing that at all. 12 Q. And do you remember reading about the 13 incident in the newspaper or from some other news 14 medium? 15 A. I don't remember specifically, but I 16 was kept pretty well informed on news outlets, 17 so whether, you know, I'm not sure if it made 18 Channel 9 news, I'm not sure if it was the Patch or 19 the Telegraph or -- I remember being informed, and 20 generally when it became -- with the Nashua 21 situation it was more about what I was told from my 22 two deputies. 23 Q. Or at the morning meetings, 24 potentially? 25 A. Correct.</p>	<p style="text-align: right;">Page 75</p> <p>1 Q. Do you recall whether this ever came up 2 at one of the morning meetings? 3 A. It's something that would have come up, 4 but I don't know if -- it's also possible that the 5 same officers would have come in or the captains or 6 deputies would have come in and told me that day. 7 It's something that would have generated somebody 8 mentioning it to me. 9 Q. It would have generated some buzz 10 throughout the department? 11 A. Yes. 12 Q. Ms. Ortolano was fairly well known in 13 the department, is that sort of the thought? 14 A. I can't answer that. Amongst the 15 command staff she was. 16 Q. Now, do you remember seeing in the news 17 that a police spokesman had said that the matter 18 is over, and that nothing further would be 19 happening? 20 A. I don't. 21 Q. Do you remember -- do you know Celia 22 Leonard? 23 A. Professionally we've met a few times, 24 yes. 25 Q. And you know she is an attorney in the</p>
<p style="text-align: right;">Page 76</p> <p>1 city legal department? 2 A. At the time she was, yes. 3 Q. And you know that she also was one of 4 the people who were present while Laurie Ortolano 5 was in the legal office on the day in question? 6 A. Yes. From what I was told, yes. 7 Q. And did you ever hear that Celia 8 Leonard, when she heard that the police department 9 would be -- the incident would require no further 10 action, do you recall her saying these words, or 11 something to this effect: I find it troublesome, 12 to say the least. My office will be speaking with 13 the police further. 14 A. No, I don't remember her saying that 15 prior to my meeting. I didn't have any 16 conversations with her prior to my meeting with 17 Steven Bolton and several members of the legal 18 department. 19 Q. Okay. So -- but it's fair to say that 20 you thought at one point the matter was cleared, 21 meaning the matter was over, right? 22 A. Correct. 23 Q. And then a communication occurred from 24 the city legal department to the police 25 department?</p>	<p style="text-align: right;">Page 77</p> <p>1 A. Correct. 2 Q. And the communication was that they 3 wanted a further investigation done into the 4 matter, right? 5 A. I'm not sure how that -- I'm not sure 6 that's -- if it was them asking for more 7 information. I'm aware that I got -- I was 8 contacted and requested a meeting with the legal 9 department and Mr. Bolton. 10 Q. So you got a call directly from the 11 legal department requesting a meeting? 12 A. I don't know if it was a call or an 13 e-mail. I was contacted then. 14 Q. And when was that meeting held, to the 15 best of your recollection? 16 A. It had to be within -- I would say 17 within a week of the incident. Please don't hold 18 me to a hard date, but within about a week. 19 Q. Where was the meeting held? 20 A. It was held in the legal department -- 21 City Hall legal department conference room. 22 Q. Who was present from the Nashua Police 23 Department at that meeting? 24 A. I was present. I don't honestly 25 remember who else was present. I don't, yeah.</p>

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<p style="text-align: right;">Page 78</p> <p>1 Q. Do you remember if Patrolman Earnshaw 2 was present? 3 A. He was not. 4 Q. Sergeant Gilbert? 5 A. He was not. 6 Q. Is it Lieutenant Rourke? 7 A. That was Deputy Chief Rourke at the 8 time. He could have been because he was the 9 uniformed deputy, but I don't remember if anybody 10 was there. 11 Q. Is there a police officer named Roach? 12 A. Tim Roach, yes. 13 Q. Tim Roach. Do you remember if he was 14 there? 15 A. He would not have been at that meeting. 16 Q. So you remember that you were there, 17 but you don't remember whether anyone else was 18 there, but it's possible that Deputy Chief Rourke 19 might have been there? 20 A. Correct. 21 Q. Who was present from the legal 22 department? 23 A. Steve Bolton was present. 24 THE WITNESS: Is Celia the red-headed 25 one? Taller, the red-headed one?</p>	<p style="text-align: right;">Page 79</p> <p>1 MR. CULLEN: I wouldn't be able to 2 answer you even if I could answer, but truthfully, 3 I don't know exactly what Celia looks like. 4 A. Sorry, I didn't have much interaction 5 with the other attorneys. 6 BY MR. MALAGUTI: 7 Q. You would say a tall red-headed 8 attorney? 9 A. Yeah, she was there, as well as there 10 might have been a younger lady there that was part 11 of the legal department's administrative staff. 12 Q. A paralegal, potentially? 13 A. Correct. 14 Q. Would the name Manuela Perry sound 15 familiar? 16 A. I'm not sure. I never worked with her. 17 Q. Manuela, I think. Okay. Anyone else 18 from the legal department? 19 A. Not that I recall. 20 Q. Who did most of the speaking from the 21 legal department? 22 A. Attorney Bolton. 23 Q. Now, the tall red-headed attorney, did 24 she do any speaking? 25 A. No, not that I remember. It was</p>
<p style="text-align: right;">Page 80</p> <p>1 Attorney Bolton. 2 Q. He did all the speaking, as far as you 3 remember, on behalf of the legal department? 4 A. Correct. 5 Q. And you did all the speaking on behalf 6 of the police department? 7 A. Correct. 8 Q. So what did Steve Bolton say? 9 A. Paraphrasing the conversation, he was 10 not satisfied with the outcome of the 11 investigation. He felt that she should have been 12 placed under arrest immediately. He expressed 13 concern for his staff, meaning the other attorneys 14 and the paralegals in the department, and he had 15 asked me to -- I guess he told me to arrest her, 16 and I told him I would not arrest her. 17 Q. Was Attorney Bolton angry? 18 A. Yes. 19 Q. Did he shout? 20 A. Raised voice. 21 Q. Did he bang anything? 22 A. Not that I remember. 23 Q. Did he explain what his concern for his 24 staff was? 25 A. Yes, he expressed concern for their</p>	<p style="text-align: right;">Page 81</p> <p>1 safety, based on what he felt was unpredictable 2 behavior from Ms. Ortolano. 3 Q. You know Ms. Ortolano, I think you've 4 said. 5 A. I do. Yes. 6 Q. From her physical makeup, do you think 7 she could hurt somebody physically? 8 A. Based on my experience, sir, it really 9 doesn't matter, physical appearance. We've 10 scrapped with some pretty small, slight people, so 11 that's not really a good question. I'm sorry. 12 Q. As one of those small, slight people, 13 I'll take note. Did you consider Ms. Ortolano to 14 be a physical threat? 15 A. I did not. 16 Q. Do you know if any of the officers who 17 were responding to the incident did? 18 A. I'm not sure how they felt, but I don't 19 believe they did. 20 Q. Do you know whether the incident 21 report, whether the -- whether the papers 22 surrounding the incident said that Ms. Ortolano 23 made any threats? 24 A. I don't believe so. 25 Q. Do you know what physical position or</p>

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<p style="text-align: right;">Page 82</p> <p>1 posture was in -- Ms. Ortolano was in when she was 2 in the legal office? 3 A. I believe she was sitting down in front 4 of the door. If I remember right, that's what -- 5 that's what's coming to mind. 6 Q. She was sitting on the floor. 7 A. Correct. 8 Q. Did Mr. Bolton tell you that she had 9 made threats? 10 A. I don't believe so. I don't recall him 11 saying that she had made threats. 12 Q. No one else in the meeting said that 13 she had made threats? 14 A. Not that I remember. 15 Q. Was it your position at the time that 16 you were going to stick with what the officers had 17 found and put in their papers that they had 18 created for the incident? 19 A. Yes. 20 Q. Do you have any reason to doubt that 21 what they said in that original incident report 22 and the supplemental narrative were anything other 23 than true and accurate? 24 A. No, I -- I believe that they were 25 absolutely true and accurate.</p>	<p style="text-align: right;">Page 83</p> <p>1 Q. How long did the meeting with the legal 2 department last? 3 A. Approximately a half an hour, maybe a 4 little less. 5 Q. Now, you said that you were not going 6 to immediately arrest Ms. Ortolano. Did you say 7 anything else in terms of an investigation that 8 might follow? 9 MR. CULLEN: Objection to form. You 10 can answer. 11 A. I don't know the specific word, so did 12 I say the immediate -- to answer your question, I 13 don't know. My belief was that this matter was 14 closed, and we were not going to pursue further 15 charges. 16 BY MR. MALAGUTI: 17 Q. So I wrote down that Steve Bolton said 18 he was not satisfied, is that accurate? 19 A. Yes. 20 Q. And then he demanded -- I believe you 21 used the word he told you to arrest her 22 immediately? 23 A. That's correct. 24 Q. Go ahead. 25 A. He didn't say immediately -- paraphrase</p>
<p style="text-align: right;">Page 84</p> <p>1 the conversation, he said that we should arrest 2 her, or you should be able to arrest her. 3 Q. Would you consider what he said to have 4 been a demand that you arrest her? 5 A. He was trying to present it as a 6 demand. 7 Q. Okay, what else did he say, if 8 anything, during that up to a half an hour 9 meeting? 10 A. That's pretty much -- the conversation 11 was about his position of us arresting her and us 12 not going to do what he said. And there was back 13 and forth, and I don't remember specific 14 conversations or specific words that were used, but 15 he wanted us to have her arrested, and at that time 16 I was not of the opinion that we would be 17 arresting her. 18 Q. And did you say anything else that you 19 haven't already told us? 20 A. Not that I know of, no. 21 Q. Now, was the meeting being audio or 22 video recorded, to your knowledge? 23 A. To my knowledge, no. 24 Q. Did you notice whether anyone was 25 taking notes of the meeting?</p>	<p style="text-align: right;">Page 85</p> <p>1 A. I don't notice -- I did not notice. 2 Q. Now, you're the -- you were then the 3 chief, so you're not the kind of person who would 4 rush back and file an incident report, I would 5 imagine, would that be correct? 6 A. That's correct. 7 Q. Did you, upon returning to your office, 8 create any written documents in regard to the 9 meeting? 10 A. I don't believe I did. I generally as 11 the chief didn't do documents based on meetings. 12 Q. And did you discuss the meeting with 13 any of your command staff or anyone else in the 14 police department? 15 A. Sure. I don't remember specifically 16 who was present, but it's something I would have -- 17 it's a conversation I would have had with -- if 18 Kevin Rourke was with me at the meeting, we would 19 have talked about, again, I don't remember if he 20 was there or not, but if not, we would have talked 21 about it back in my office. 22 Q. Do you remember if the meeting came up 23 at one of the morning meetings? 24 A. At the meeting, no. That's generally 25 not something I would discuss.</p>

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<p style="text-align: right;">Page 86</p> <p>1 Q. Were there further conversations with 2 Steve Bolton or anyone on his staff between the 3 time you left that meeting and when Ms. Ortolano 4 was actually arrested? 5 A. No. 6 Q. Now, when you were dealing with 7 Mr. Bolton and the tall red-headed attorney and 8 others, is it fair to say that there was no 9 attorney-client relationship because they -- you 10 considered them to be the victims rather than 11 attorneys? 12 MR. CULLEN: Objection to form. You 13 can answer. 14 MR. MALAGUTI: No, that's a bad 15 question, so let me reform it. 16 BY MR. MALAGUTI: 17 Q. Is it fair to say that you did not 18 consider there to be an attorney-client 19 relationship with anyone in the legal department 20 regarding the January 22nd incident? 21 A. Yes. 22 Q. In fact, you told us early on that 23 there are very limited circumstances by which 24 there's an attorney-client relationship with the 25 city legal department and the police department?</p>	<p style="text-align: right;">Page 87</p> <p>1 A. Correct. 2 Q. You got further communications from the 3 legal department -- and let me reframe that. 4 To your knowledge, did you or anyone at 5 the police department get further communications 6 from the legal department between the time that 7 the meeting occurred and Ms. Ortolano was 8 arrested? 9 A. I don't -- I don't recall specifically 10 getting any myself. I know that there were several 11 conversations back throughout this entire ordeal, 12 not just this arrest, where Bolton would contact 13 the legal department, and I believe it was Captain 14 Brian Kinney at the time, or Lieutenant Kinney. 15 There was some -- I think some conversations there 16 that he let me know about. 17 Q. Captain or Lieutenant Brian Kinney, was 18 he in the police legal department or was he in 19 some other department? 20 A. He was part of the Nashua police legal 21 department. 22 Q. Was he an attorney? 23 A. No. 24 Q. Did -- it sounds like he got promoted 25 to captain, he might have been a lieutenant at the</p>
<p style="text-align: right;">Page 88</p> <p>1 time, so I'll just call him Brian Kinney. 2 Did Brian Kinney tell you the content 3 of those conversations between himself and 4 Steve Bolton? 5 A. The conversation, I don't recall him 6 telling me specifically, but it would have gone to 7 his captain up to the deputy to me. 8 Q. And you don't remember anything that 9 was said? 10 A. No. 11 Q. Admittedly, by the time it reached you 12 second or third-hand? 13 A. Correct. 14 Q. Do you remember the nature of what was 15 said? 16 A. I don't. I -- no, I remember the 17 conversation with Bolton, and we held firm that we 18 weren't going to pursue charges, and that's -- I 19 knew there was back and forth, but I don't remember 20 what they specifically were. 21 Q. Did you understand that Steve Bolton 22 was advocating for the arrest of Laurie Ortolano 23 when he spoke with Brian Kinney? 24 A. I believe so. I know for a fact he was 25 advocating for it when we had our meeting.</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. At some point did the police department 2 open an investigation into whether Laurie Ortolano 3 should get arrested? 4 A. Yes. 5 Q. How soon was that after the meeting at 6 Bolton's office? 7 A. I don't know specifically. If I had to 8 guess, it was within a week. 9 Q. Do you know why the investigation was 10 opened? 11 A. I do. 12 Q. Why? 13 A. I was advised by my deputies that they 14 wanted to open an investigation to re -- to relook 15 at the case because of a social media post that 16 Ms. Ortolano had posted, but if I remember right, 17 she was bragging about refusing to leave, and 18 not -- not obeying the commands of what the person 19 who had control of the property did, meaning the 20 legal department. 21 Q. You understand that Ms. Ortolano has a 22 First Amendment right to post on social media? 23 A. I do. 24 Q. You understand that Ms. Ortolano has a 25 right to post even offensive material under the</p>

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<p style="text-align: right;">Page 90</p> <p>1 First Amendment on social media?</p> <p>2 A. Yes, sir, I do.</p> <p>3 Q. You understand that unless</p> <p>4 Ms. Ortolano's postings constitute some form of</p> <p>5 unprotected speech that she cannot be regulated in</p> <p>6 that speech, as a general matter?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Do you believe it would be wrong for</p> <p>9 the Nashua Police Department to arrest Laurie</p> <p>10 Ortolano because of social media posts they made?</p> <p>11 A. I can't answer that question because</p> <p>12 the answer is it's possible. If she's -- we're not</p> <p>13 arresting her based on anything she's just saying</p> <p>14 in there.</p> <p>15 Q. Can you elaborate on that?</p> <p>16 A. The decision, from what I understand,</p> <p>17 to arrest was her admission of committing the</p> <p>18 crime. She went on her social media post and</p> <p>19 admitted to refusing to obey those commands, and</p> <p>20 for us the discussion, if I remember correctly,</p> <p>21 was, well, she's admitting to a crime, we don't</p> <p>22 need a witness to necessarily come forward, she's</p> <p>23 making her own self-admissions, so we will charge</p> <p>24 her, and I supported that decision.</p> <p>25 Q. Now, when you say that she wasn't</p>	<p style="text-align: right;">Page 91</p> <p>1 obeying, are you talking about the command to</p> <p>2 leave given by people in the legal department, or</p> <p>3 by the police officers at the scene?</p> <p>4 A. People in the legal department.</p> <p>5 Q. Didn't we discuss a short while ago</p> <p>6 that as a general proposition if the people</p> <p>7 cooperate with the police officers when they</p> <p>8 arrive, even though they had refused to leave</p> <p>9 until then, that the police may not trespass them,</p> <p>10 but will not generally arrest them for trespass?</p> <p>11 A. Yes, we did.</p> <p>12 Q. Why didn't that happen here?</p> <p>13 A. So if I -- if I understand their</p> <p>14 thought process correctly, she was admitting to</p> <p>15 committing the crime, bragging about committing the</p> <p>16 crime, and the concern was that the bragging and</p> <p>17 the admissions occurred after the warning and the</p> <p>18 no trespass, and the thought was that she was</p> <p>19 pretty vocal about it, and there was a concern that</p> <p>20 it would be a repeat offense, and the decision was</p> <p>21 made to arrest her for it.</p> <p>22 Q. And you said your deputies advocated</p> <p>23 for the arrest?</p> <p>24 A. Well, it wasn't -- it was not their</p> <p>25 decision to make. I don't -- it would have been</p>
<p style="text-align: right;">Page 92</p> <p>1 made at a lower level.</p> <p>2 So I'm not sure who made the decision</p> <p>3 to arrest, whether it was the patrol sergeant or</p> <p>4 the supervisors or whom it was, but typically that</p> <p>5 would not be a decision made by the deputies.</p> <p>6 Q. So did I misunderstand you when you</p> <p>7 said that your deputies were advocating to have</p> <p>8 her arrested?</p> <p>9 A. No, they were telling me about what the</p> <p>10 social media posts, and part of the discussion</p> <p>11 involved, well, they wanted to arrest her, is it</p> <p>12 legal, can we do it, should we do it. Those are</p> <p>13 the processes that came up, the discussion that</p> <p>14 we had.</p> <p>15 Q. So they were not taking a position</p> <p>16 on it?</p> <p>17 A. Correct.</p> <p>18 Q. They were reporting what their</p> <p>19 subordinates were advocating?</p> <p>20 A. Correct.</p> <p>21 Q. And it's obviously in the police</p> <p>22 papers, but do you remember who the advocates were</p> <p>23 for her arrest?</p> <p>24 A. I don't, but if it's in the police</p> <p>25 report, I would verify it.</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. And you eventually -- well, let me ask</p> <p>2 you this. Was it your decision to be made?</p> <p>3 A. No.</p> <p>4 Q. Did you check off on the decision, in</p> <p>5 your mind?</p> <p>6 A. I had my opinion, but it wasn't a</p> <p>7 direction I told anybody, it was not an order to</p> <p>8 give anybody.</p> <p>9 Q. And you voiced that opinion?</p> <p>10 A. I voiced it with my two deputies,</p> <p>11 correct.</p> <p>12 Q. And you assume that they sent it down</p> <p>13 the chain of command?</p> <p>14 A. No. The discussion that you -- please</p> <p>15 don't misunderstand me. The discussion with my two</p> <p>16 deputies involves the facts that the officers were</p> <p>17 given and us exchanging back and forth what that</p> <p>18 looked like, what that meant, what the options</p> <p>19 were, what the outcomes were, just a general</p> <p>20 discussion about that incident and their decision.</p> <p>21 Q. And who were your deputies again at</p> <p>22 that time?</p> <p>23 A. I think it was Kevin Rourke and Jim</p> <p>24 Testaverde.</p> <p>25 Q. Again, I'm sorry, what was Mr. Rourke's</p>

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<p style="text-align: right;">Page 94</p> <p>1 title?</p> <p>2 A. He's now chief. At the time he was</p> <p>3 deputy chief.</p> <p>4 Q. Deputy, right. And Jim Testaverde?</p> <p>5 A. Deputy chief.</p> <p>6 Q. Is he deputy chief now, or was he then?</p> <p>7 A. He was then.</p> <p>8 Q. To your knowledge, did Steven Bolton</p> <p>9 ever discuss this with Deputy Rourke?</p> <p>10 A. I don't believe.</p> <p>11 Q. With Jim Testaverde?</p> <p>12 A. I don't believe he did.</p> <p>13 Q. Do you know anyone in the police</p> <p>14 department other than Brian Kinney that Attorney</p> <p>15 Bolton communicated to to advocate for the arrest</p> <p>16 of Laurie Ortolano?</p> <p>17 A. It would have been myself at the</p> <p>18 meeting. Brian Kinney I believe was about that</p> <p>19 time, I know they had communications, and if</p> <p>20 Deputy Rourke was with me at the meeting, it would</p> <p>21 have been him. I don't know who else he spoke to.</p> <p>22 Q. So you didn't hear anything about him</p> <p>23 speaking to anyone else?</p> <p>24 A. Not that I remember. I don't believe</p> <p>25 he did.</p>	<p style="text-align: right;">Page 95</p> <p>1 Q. Has any official at City Hall ever</p> <p>2 asked you to start an investigation or take some</p> <p>3 other police action regarding a person who has</p> <p>4 been critical of the Nashua city government?</p> <p>5 A. No.</p> <p>6 Q. You're sure about that?</p> <p>7 A. Yes.</p> <p>8 Q. Did you ever say anything of that</p> <p>9 effect to any other person that you can remember?</p> <p>10 A. No.</p> <p>11 Q. You don't remember saying anything to</p> <p>12 that effect to another law enforcement officer</p> <p>13 outside of the Nashua Police Department?</p> <p>14 A. No.</p> <p>15 MR. MALAGUTI: Okay. I have no further</p> <p>16 questions.</p> <p>17 MR. CULLEN: So technically the other</p> <p>18 people can ask you questions if they want to. Not</p> <p>19 just technically, they can. So just let me ask</p> <p>20 Maddie or David, do either of you have questions</p> <p>21 for the chief?</p> <p>22 MR. BETANCOURT: I have no questions,</p> <p>23 thank you.</p> <p>24 MS. OSBON: I have no questions.</p> <p>25 MR. CULLEN: I have no questions</p>
<p style="text-align: right;">Page 96</p> <p>1 either, Chief. I appreciate your time today.</p> <p>2 MR. MALAGUTI: I appreciate your time</p> <p>3 too. Thank you.</p> <p>4 COURT REPORTER: And before people hop</p> <p>5 off, can I just get transcript orders, please?</p> <p>6 MR. CULLEN: A mini PDF would be great.</p> <p>7 MR. MALAGUTI: That sounds good to me,</p> <p>8 too.</p> <p>9 COURT REPORTER: David?</p> <p>10 MR. BETANCOURT: Could we have a PTX,</p> <p>11 please?</p> <p>12 MS. OSBON: I'll do the same as Brian.</p> <p>13 COURT REPORTER: All right, thank you.</p> <p>14 (The deposition was concluded at 5:40 p.m.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 97</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2 Page ___ Line ___ Change _____</p> <p>3 Page ___ Line ___ Change _____</p> <p>4 Page ___ Line ___ Change _____</p> <p>5 Page ___ Line ___ Change _____</p> <p>6 Page ___ Line ___ Change _____</p> <p>7 Page ___ Line ___ Change _____</p> <p>8 Page ___ Line ___ Change _____</p> <p>9 Page ___ Line ___ Change _____</p> <p>10 Page ___ Line ___ Change _____</p> <p>11 Page ___ Line ___ Change _____</p> <p>12 Page ___ Line ___ Change _____</p> <p>13 Page ___ Line ___ Change _____</p> <p>14 Page ___ Line ___ Change _____</p> <p>15 Page ___ Line ___ Change _____</p> <p>16 Page ___ Line ___ Change _____</p> <p>17 Page ___ Line ___ Change _____</p> <p>18 Page ___ Line ___ Change _____</p> <p>19 Page ___ Line ___ Change _____</p> <p>20 Page ___ Line ___ Change _____</p> <p>21 Page ___ Line ___ Change _____</p> <p>22 Page ___ Line ___ Change _____</p> <p>23 Page ___ Line ___ Change _____</p> <p>24 Page ___ Line ___ Change _____</p> <p>25 SIGNATURE: _____ DATE: _____</p>

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
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CERTIFICATE

I, Pamela J. Carle, Registered Professional Reporter, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of the deposition of MICHAEL CARIGNAN, who was first duly sworn, taken at the place and on the date hereinbefore set forth, and that reading and signing of the transcript was not discussed.

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this case nor am I financially interested in this action.

THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING REPORTER.


Pamela J. Carle, LCR, RPR, CRR

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Exhibits	2022 44:20 45:2	activities 30:12
Exhibit 1 13:12 17:13	22nd 60:17,24 71:21 86:20	actual 27:13 71:14
\$	24 26:1	additional 39:7 59:17
\$100 21:16	26 13:9 14:12 28:25 30:9	address 4:19 28:5,15
1	26th 32:18 48:2,8	administrative 28:1 29:18,21 79:11
1 13:11,12 17:13	28 69:20 70:11	admission 90:17
100 22:24	2nd 45:2	admissions 91:17
10:00 6:2	5	admitted 90:19
13 8:1	5:40 96:14	Admittedly 88:11
15 39:24 40:2	6	admitting 90:21 91:14
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18 12:5	7	advice 54:3 57:2
19 6:7	7 8:21	advise 46:8
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2	94 47:2	advocating 88:22,25 92:7,19
20 62:13	94-A 47:2,7	affirmative 5:4
2000 10:11	97 7:22	afraid 49:13
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